



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takahisa Ueda et al

Appln. No. : 09/270,673

Filed : March 16, 1999

For : ANNULAR SLIDING FLUORO-  
PLASTICS MEMBER, AND A  
METHOD OF PRODUCING AN  
ANNULAR SLIDING FLUORO-  
PLASTICS MEMBER

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) Art Unit: 1772  
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REQUEST FOR RECONSIDERATION

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This request for reconsideration is being submitted pursuant to the provisions of  
37 CFR 1.116.

Claims 22-42 are pending. Of these claims 22-33 are directed to an annular sliding  
fluoroplastics member, and claims 34-42 are directed to a method of producing an annular sliding  
fluoroplastics member. Claims 34-42 have been withdrawn as non-elected in this application, and  
claims 22-33 have been finally rejected because they are "substantially identical" to claims 1- 12..

Five distinct rejections are presented. These are: 1) claims 22-24, 26, 27 and 33 as  
unpatentable under 35 USC 103(a) over Braus et al in view of Hartel et al; 2) claim 25 as  
unpatentable under 35 USC 103(a) over Braus et al in view of Hartel et al and Stiff et al; 3)  
claims 28 and 29 as unpatentable under 35 USC 103(a) over Braus et al in view of Hartel et al

and Runton et al; 4) claims 30 and 31 as unpatentable under 35 USC 103(a) over Braus et al in view of Hartel et al and Board, Jr.; and 5) claim 32 as unpatentable under 35 USC 103(a) over Braus et al in view of Hartel, Board, Jr. and Sumiyoshi et al. because, according to the examiner "one of ordinary skill in the art can *see* that the fibers are short fibers." (emphasis added)

Applicants must respectfully disagree with this assumption that the examiner has applied as the basis for the noted rejections.

The figures in a patent can be relied upon for supporting a disclosure, but they should not be relied upon for details of a specific claim for purposes of a rejection. *Wayne Knitting Mills v. Russell Hosiery Mills, Inc.* 155 USPQ 577 (DC MNC). There simply is no way of knowing whether the fibers disclosed in Hartel et al are long or short. But a reasonable teaching from Hartel et al would, it is respectfully submitted, would more likely be that the fibers are long because they are disclosed as extending the full length of the wound body. In light of this disclosure, it can only be concluded that to view the fibers disclosed in Hartel et al as short fibers is to be guided by the present invention as disclosed and claimed. Such an exercise in claim rejection is impermissible under 35 USC 103.

Also, the claims require that a certain percentage of the short fibers are oriented in a certain direction. Specifically, "20 or more wt% of short fibers.....are oriented in a direction along which the magnitude of a load is large." This limitation has apparently been dismissed without due consideration. This limitation must be taught by the references, however considered, if claims 22-33 are to be considered unpatentable under 35 USC 103.


It appears that the examiner has been influenced by the fact that "...both references [Braus et al and Hartel et al] are directed toward aramid fibers in matrix materials, same field of

endeavor..." This view of the references is correct, but it cannot stand as the basis for rejection under 35 USC 103. The references must teach the specific limitations claimed not the broad category of their application.

The examiner has stated that Hartel teaches orienting the fibers supposedly in the direction of the load. Hartel teaches orienting the fibers transverse to the strain, which would translate to transverse to the load not in the direction of the load. Therefore, before optimization is considered, a teaching of orientation as claimed is necessary. Since this feature is not taught by the references their combination cannot stand as an impediment to patentability.

The examiner is again urged to reconsider his final rejection and to find claims 23-33 allowable.

Respectfully submitted,



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March 19, 2002

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